

Exhibit “2”

Affidavit of Philip DeSimone

CASE NO. CIV-08-862-L

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LARRY "DALE" MERRIMAN and
BRENDA MERRIMAN,

Plaintiffs,

v.

SOUTHERN CAL TRANSPORT, INC.,

Defendant.

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Case No. CIV-08-862-L

**AFFIDAVIT IN SUPPORT OF
MOTION FOR SUMMARY JUDGEMENT**

STATE OF TENNESSEE)
) ss.
COUNTY OF _____)

I, Philip DeSimone, swear and affirm as follows:

1. I am the Chief Operating Officer for Southern Cal Transport, Inc. and have personal knowledge of the statements made in this affidavit.
2. Southern Cal Transport, Inc. is an incorporated business with its principal place of business in Tennessee. Southern Cal Transport, Inc., Southern Cal Transport, Inc., has the U.S. Transportation No. 578821.
3. At the time of the subject accident, July 27, 2007, Southern Cal Transport, Inc., was a licensed motor carrier under the laws of the State of Tennessee.
4. As a motor carrier registered in a state other than Oklahoma, Southern Cal Transport, Inc. is not required to have a license or authority from the Oklahoma Corporation Commission for the purposes of interstate

transportation.

5. Southern Cal Transport, Inc., was insured by Great West Casualty Company at the time of the subject accident.

FURTHER AFFIANT SAYETH NOT.

PHILIP DESIMONE

Subscribed and sworn to before me this 5th day of October, 2009.

Notary Public

My commission expires:

Comm. No.: _____